

SENATE BILL NO. 218

March 21, 2023, Introduced by Senators HUIZENGA, JOHNSON, VICTORY, BELLINO, MCBROOM, OUTMAN, BUMSTEAD, BRINKS, THEIS, WOJNO, NESBITT, RUNESTAD, MCMORROW, POLEHANKI and SANTANA and referred to the Committee on Regulatory Affairs.

A bill to amend 1969 PA 242, entitled

"An act to provide for the registration of trademarks and service marks; to prescribe the powers and duties of certain state officers and agencies; to prescribe remedies; and to repeal certain acts and parts of acts,"

by amending section 1 (MCL 429.31), as amended by 1984 PA 203.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Trademark" means any word, name, symbol, or device, or
3 any combination thereof, ~~other than a trade name in its entirety,~~
4 ~~adopted and~~ **of words, names, symbols, or devices**, used by a person

1 to identify goods made or sold by ~~him or her~~ **that person** and to
2 distinguish them from similar goods made or sold by others.

3 (b) "Person" means any individual, firm, partnership,
4 corporation, **limited liability company**, association, union, or
5 other organization.

6 (c) "Applicant" means ~~the~~ **a** person filing an application for
7 registration of a trademark or service mark under this act, ~~his or~~
8 ~~her~~ **and the** legal representatives, successors, or assigns **of that**
9 **person**.

10 (d) "Registrant" means ~~the~~ **a** person ~~to whom the~~ **that is issued**
11 **a** registration of a trademark or service mark under this act ~~is~~
12 ~~issued, his or her~~ **and the** legal representatives, successors, or
13 assigns **of that person**.

14 (e) "Service mark" means any word, name, symbol, or device, or
15 any combination thereof, ~~other than a trade name in its entirety,~~
16 ~~adopted and~~ **of words, names, symbols, or devices**, used by a person
17 in the sale or advertising of services to identify ~~his or her~~ **the**
18 services **of a person** and distinguish them from the similar services
19 of others.

20 (f) "Mark" includes any trademark or service mark.

21 (g) "Trade name" means a word or group of words used by any
22 person to identify a sole proprietorship, firm, partnership,
23 corporation, **limited liability company**, association, union, or
24 other organization.

25 (h) A mark is "used" in this state on goods when it is placed
26 in any manner on the goods or their containers or on the tags or
27 labels affixed ~~thereto~~ **to the goods or their containers** and ~~such~~
28 **the** goods are sold or otherwise distributed in this state, and on
29 services when it is used or displayed in this state in the sale or

1 advertising of services and the services are rendered in this
2 state.

3 (i) A mark is "abandoned" when its use has been discontinued
4 with intent not to resume. Intent not to resume may be inferred
5 from circumstances. Nonuse for 2 consecutive years ~~shall be~~ **is**
6 prima facie abandonment.

7 (j) "Administrator" means the director of ~~commerce~~ **the**
8 **department of licensing and regulatory affairs** or ~~his or her~~ **the**
9 designated representative **of the director**.